

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Final Official Action, the Examiner maintained the rejection of claims 6-7, 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,352,503 to Matsui et al., (hereinafter “Matsui ‘503”) in view of U.S. Patent Application Publication No. 2003/0163029 to Sonnenschein et al., (hereinafter “Sonnenschein”).

In response, independent claim 7 has been amended to clarify its distinguishing features. Specifically, claim 7 has been amended to recite (in clean copy):

“An endoscope apparatus comprising:
an insertion portion having first and second channels arranged therein and terminating at first and second openings, respectively, at a distal portion of the insertion portion;
an observation optical system for capturing an observation image, which is arranged to the insertion portion;
a first treatment-tool oscillating base which guides, in a first direction, a first treatment-tool inserted via the first channel arranged to the insertion portion, a range of oscillation of the first treatment-tool by the first treatment-tool oscillating base being set so as to cause a distal end of the first treatment-tool to be selectively positioned inside or outside the observation image, at a predetermined projecting length for the first treatment-tool to approach an object on the observation image; and
a second treatment-tool oscillating base which guides, in a second direction, a second treatment-tool inserted via the second channel arranged in the insertion portion, a range of oscillation of the second treatment-tool by the second treatment-tool oscillating base being set so as to cause a distal end of the second treatment-tool to be positioned inside the observation image, at a projecting length of the second treatment tool which is approximately the same as the predetermined projecting length of the first treatment-tool.”

Furthermore, dependent claim 9 has been amended to be consistent with its amended base claim (7) and independent claim 10 has been amended into dependent form to depend from independent claim 7.

The amendment to claim 7 is fully supported in the original disclosure, such as at Figure 24 of the Drawings and the accompanying text of the Specification. Thus, no new matter has been introduced into the disclosure by way of the present amendment to independent claim 7.

Turning now to the amendment of claim 7 in detail, the same clarifies that where the two treatment-tools approach the same object by approximately the same projecting length, the laterally oscillating treatment tool (e.g., 47) is oscillatable inside the screen range, while the vertically oscillating treatment tool (e.g., 37) is oscillatable even to outside the screen range (i.e., the vertically oscillating treatment tool 37 is set to be in an oscillation range where it oscillates inside and outside the screen, at the projecting length where the laterally oscillating treatment tool 47 does not oscillate to outside the screen).

The Applicants respectfully submit that the prior art references of record simply do not disclose or suggest the features now expressly set forth in independent claim 7.

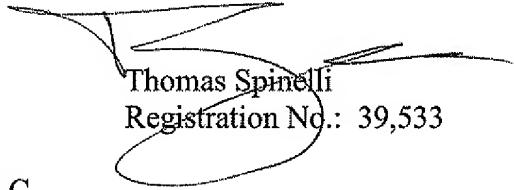
With regard to the rejection of claims 6, 7, 9 and 10 under 35 U.S.C. § 103(a), independent claim 7 is not rendered obvious by the cited references because neither the Matsui '503 patent nor the Sonnenschein patent application, whether taken alone or in combination, teach or suggest an endoscope apparatus having the features discussed above and recited in independent claim 7. Accordingly, claim 7 patentably distinguishes over the prior art and is allowable. Claims 6, 9 and 10, being dependent upon claim 7, are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 6, 7, 9 and 10 under 35 U.S.C. § 103(a).

Furthermore, new claims 11-13 have been added to further define the patentable invention. New claims 11-13 are fully supported in the original disclosure. Thus,

no new matter has been entered into the disclosure by way of the addition of new claims 11-13. Applicants respectfully submit that independent claim 11 patentably distinguishes over the prior art and is allowable and that claims 12 and 13 are at least allowable as being dependent therefrom.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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